

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

JOHN OVERSTREET AND
RUTH HEAD

PLAINTIFFS

VS.

CIVIL ACTION NO. 2:17-CV-89-KS-MTP

JIM HOOD AND
DAVID BULLOCK

DEFENDANTS

ORDER ACCEPTING MAGISTRATE JUDGE'S RECOMMENDATION

This cause is before the Court on Motions [2] and [3] by Plaintiff Ruth Head and Plaintiff John Overstreet respectively. A Report and Recommendation [4] has been filed by Magistrate Judge Michael T. Parker and an objection thereto [5] has been filed by plaintiff John Overstreet.

I PROCEDURAL HISTORY

On June 7, 2017, Plaintiffs, proceeding *pro se*, filed their complaint, asserting several claims objecting to Overstreet begin required to register as a sex offender, et al. Next, two motions for Leave to Proceed In Forma Pauperis [2] and [3] were filed. Plaintiff John Overstreet timely filed an Objection [5] to the Report and Recommendation which the Court now considers.

II. STANDARD OF REVIEW

When a party objects to a Report and Recommendation this Court is required to “make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). See also *Longmire v. Gust*, 921 F.2d 620, 623 (5th Cir. 1991) (Party is “entitled to a *de novo* review by an Article III

Judge as to those issues to which an objection is made.”) Such review means that this Court will examine the entire record and will make an independent assessment of the law. The Court is not required, however, to reiterate the findings and conclusions of the Magistrate Judge. *Koetting v. Thompson*, 995 F.2d 37, 40 (5th Cir. 1993) nor need it consider objections that are frivolous, conclusive or general in nature. *Battle v. United States Parole Commission*, 834 F.2d 419, 421 (5th Cir. 1997). No factual objection is raised when a petitioner merely reurges arguments contained in the original petition. *Edmond v. Collins*, 8 F.3d 290, 293 (5th Cir. 1993).

III. PETITIONER’S OBJECTIONS AND ANALYSIS

The argument presented by Plaintiff Overstreet in his objection is that he does not have the money to pay court costs because of other expenses. The Court has reviewed the Magistrate Judge’s analysis and the objection of Plaintiff Overstreet and finds that the objection is not well taken and should be overruled.

IV. CONCLUSION

As required by 28 U.S.C. § 636(b)(1) this Court has conducted an independent review of the entire record and a *de novo* review of the matters raised by the objections. For the reasons set forth above, this Court concludes that Overstreet’s objection lacks merit and should be overruled. The Court further concludes that the Report and Recommendation is an accurate statement of the facts and the correct analysis of the law in all regards. Therefore, the Court accepts, approves and adopts the Magistrate Judges’ factual findings and legal conclusions contained in the Report and Recommendation.

Accordingly, it is ordered that the United States Magistrate Judge Michael T. Parker’s Report and Recommendation is accepted pursuant to 28 U.S.C. § 636(b)(1) and that John Overstreet’s objection is overruled. Plaintiffs should note that they have thirty (30) days to pay

all of the costs associated with the filing of this lawsuit. Should the plaintiffs fail to timely pay all the costs associated with the filing of this lawsuit this matter may be dismissed without prejudice and without further notice.

SO ORDERED this, the 10th day of August, 2017.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE